

REMARKS

The Examiner has objected to the Abstract for various informalities. Applicants hereby amend the abstract according to the Examiner's suggestions, and respectfully request the Examiner to withdraw this objection.

Claims 1-9, 13-15 and 19 stand rejected under 35 USC 102(b) as being anticipated by Ansell. In particular, the Examiner alleges that Ansell discloses a system for preventing unauthorized play of digital content, the system including a digital content playing device which, "when a request to play the content file under authentication and charging condition is inputted by a user to the digital content playing device, the digital content playing device transfers the request via the communication line to the management unit, the management unit...transferring the piece data via the communication line to the digital content playing device, and the digital content playing device uses the header information on the distributing recording medium and the piece data only in play operation to play the data body on the distributing recording medium."

The Examiner appears to be relying on Ansell's securable portable track (SPT) 116, portable player 150, and SPT interface 114 (which produces SPT 116 from a music track), respectively, to disclose the content file, digital content playing device, and management unit recited in claim 1. However, as explained below, Ansell fails to disclose the recited digital content playing device.

The digital content playing device of claim 1 operates based on a completely different principle from that of Ansell, providing a completely different protection mechanism against unauthorized use of digital content. The system of preventing unauthorized use recited in claim 1

allows “easy distribution of the digital content,” e.g. of the claimed distributing recording medium by easy duplication of the digital content, while still providing a mechanism for reliable collection of charges associated with the secondary use of the digital content (Specification, paragraph [0017]). This effect can be achieved because the authentication and the transfer of the piece data via a communication line from the management unit occurs “when a request to play the content file under authentication and charging conditions is inputted by a user to the digital content playing device” as recited in claim 1. Thus, the digital content playing device of claim 1 obtains the capability to play back the data body only after a request to play the music is input from a user and the management unit provides the piece data as recited in claim 1. Ansell fails to disclose or suggest such a playing device.

Rather than preventing unauthorized play of the data body by obtain a piece data from a management unit via a communication line in response to a user request to play the music as claimed, Ansell’s system prevents unauthorized use of music by preventing unauthorized duplication of its storage medium 202 (e.g. CD-R, etc) and preventing playing back of the original storage medium 202 in unauthorized external players (e.g. portable player 150) (Ansell, Abstract, Col. 6, ll. 7-49). For example, Fig. 2 of Ansell, reproduced below, illustrates that Ansell’s storage medium 202 is embedded with a serial number 204 specific to the storage medium 202 itself.

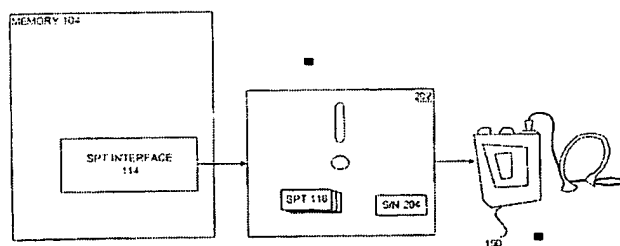


FIGURE 2

Likewise, Ansell's portable player 150 is also embedded with an identifier, Key 504A, which is specific to the particular device (the Key is unalterable except via "physical deconstruction of portable player 150," Ansell, Col. 6, ll. 38-43). Ansell's securable portable track (SPT) 116 is encrypted from the point of its creation so that its digital content can only be played in a specific portable player 150 with a specific Key 504A from a specific storage medium 202 having a specific serial number 204. In other words, the file content of Ansell's storage medium 202 cannot be copied unto another storage medium (e.g, another CD-ROM) since the new storage medium would not have the same serial number as the original medium. Such a copy would be rejected by Ansell's portable player as an "invalid copy" (Ansell, Col. 6, lls. 23-29). Likewise, Ansell's SPT 116 cannot be played on any other portable device accept the authorized device having the Key 504A, which was included when the SPT 116 was originally produced. On an authorized player, Ansell's SPT 116 can be played freely as the right identifier Key 504A is embedded on the device. Thus, Ansell does not disclose the recited digital content playing device which, "when a request to play the content file under authentication and charging condition is inputted by a user to the digital content playing device, the digital content playing device transfers the request via the communication line to the management unit, the management unit...transferring the piece data via the communication line to the digital content playing device, and the digital content playing device uses the header information on the distributing recording medium and the piece data only in play operation to play the data body on the distributing recording medium" as claimed. Further, because Ansell's portable device 150

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operate differently from the recited player device, Ansell's system does not allow easy distribution of the digital content while provided a reliable mechanism for collecting charges associated with the secondary use like the system of claim 1. For similar reasons, Ansell also fails to disclose the invention recited in claims 2-9, 13-15 and 19. Accordingly, applicants respectfully request this anticipation rejection to be withdrawn.

With respect to claim 1, on page 3, lines 16-20, of the Action, the Examiner has requested applicants to clarify "as to whether the lacking 'part of the header information' is what prevents 'unauthorized play and unauthroized copy of the data body' or if the 'distributing recording medium' is unable 'to prevent...' due to not possessing 'part of the header information.']" As explained in the specification, the unauthorized play of data body is prevented because the missing part of the header information is necessary for the digital content playing device of claim 1 to play the data body. Applicants hereby amend claim 1 to recite that the piece data is "necessary for the digital content playing device to play the data body" to clarify the claim language.

Claims 10-12 and 16-18 stand rejected under 35 USC 103(a) as obvious over Ansell in view of Merkle. The Examiner has relied on Ansell to disclose the features recited in claim 1, while relying on Merkle to disclose deleting the transmitted piece data when a predetermined period elapses as recited in claims 10-12 and 16-18. As stated above, Ansell fails to disclose or suggests the digital content playing device or the overall system recited in claim 1. Since Merkle does not cure the deficiencies of Ansell, claims 10-12 and 16-18 are not obvious in view of Ansell and

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Merkle. Accordingly, applicants respectfully request the Examiner to withdraw this obviousness rejection.

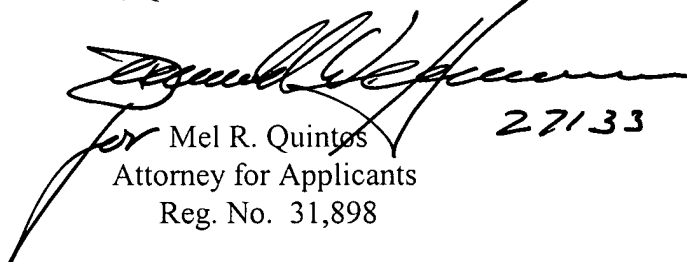
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If the Examiner determines that the prosecution of this application may be expedited by a teleconference, the Examiner is invited to contact the applicants undersigned attorney at the telephone number indicated below.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Replacement Abstract
Petition for Extension of Time